

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2184

Title: Draft New London Plan – public consultation

Executive Summary:

The Mayor is required to publish a Spatial Development Strategy (the London Plan) and to keep it under review. At any time the Mayor may prepare and publish alterations of the London Plan or a new London Plan to replace it.

Preparation of the draft new London Plan and the associated assessments is now complete and it is proposed that it will be consulted on for a period of 13 weeks commencing week beginning 27 November 2017.

Decision:

That the Mayor:

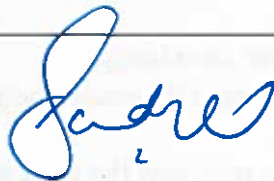
- i. approves the draft new London Plan (Appendix A) for the purpose of the formal statutory consultation of the public and stakeholders;
- ii. notes the Integrated Impact Assessment (which includes the Equalities Impact Assessment) (Appendix B) and Habitats Regulation Assessment (Appendix C) which have been prepared in respect of the draft new London Plan;
- iii. approves the consultation period and the placing of the necessary statutory notices to start the consultation in the week beginning 27 November 2017 for a period of 13 weeks;
- iv. approves expenditure of up to £10,000, from the London Plan budget, on undertaking the public consultation; and
- v. approves expenditure of up to £40,000 on printing the draft London Plan, the IIA and HRA.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

15/11/17

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 The Mayor is required to publish a Spatial Development Strategy (the London Plan) and to keep it under review. The Mayor may prepare and publish alterations of the London Plan or a new London Plan to replace it at any time.
- 1.2 The current London Plan was published in 2011, and subsequently altered on several occasions, with the latest version being published in March 2016 (“London Plan (consolidated with alterations since 2011)”).
- 1.3 The Mayor wishes to have in place a statement of his spatial priorities and planning policies as early as possible in his administration, setting out his principles for good growth. In addition, Government is proposing changes to the planning system to increase and speed up the delivery of new housing. It has issued new draft policy guidance that will have far-reaching consequences for planning in London. To achieve the Mayor’s aims and to ensure that the London Plan keeps pace with other changes, a replacement is necessary.
- 1.4 Preparation of the draft new London Plan and the associated assessments is now complete and it is proposed that it will be consulted on for a period of 13 weeks commencing week beginning 27 November 2017.
- 1.5 This MD seeks the Mayor’s approval of the draft new London Plan (Appendix A) for the purpose of the formal statutory consultation of the public and stakeholders.
- 1.6 Approval is also sought to pay costs associated with: undertaking the public consultation and printing the draft new London Plan, Integrated Impact Assessment (IIA) and Habitats Regulation Assessment (HRA).

2 The Draft New London Plan

Core Principles

- 2.1 The guiding principle of the draft new London Plan is ‘Good Growth’ – growth that is socially and economically inclusive and environmentally sustainable. This seeks to:
 - ensure growth benefits existing and future residents and communities;
 - enhance London’s global attributes and competitiveness;
 - make best use of all sites through intensification, co-location and optimising density;
 - protect the Green Belt and Metropolitan Open Land.
- 2.2 The draft new London Plan is different from previous Plans in that:
 - it is more spatially specific about where and how London will change;
 - it is accompanied by an engaging document which will make the new London Plan more accessible;
 - it has a clear focus on planning issues, providing clarity over how the draft new London Plan will be implemented
- 2.3 The draft new London Plan is also more ambitious and focused than any previous Plans. In the development of policy, the Mayor has had regard to the need to ensure consistency with national policies, but does not seek to repeat them. Instead the draft new London Plan seeks to develop an approach tailored for London, and act as the key document shaping planning decisions across the

capital. On some occasions, the draft new London Plan deviates from existing national policy and guidance; this is mainly where the draft new London Plan is delivering on a specific Mayoral commitment and reflects the particular circumstances of London. More information on these is provided in the other considerations section below.

- 2.4 The Plan has been developed over the last year working closely with other teams in the GLA family. Following on from the City for All Londoners consultation in October 2016, workshops have been held with Deputy Mayors and officers to discuss policies and key issues and ensure alignment with other strategies. The draft new London Plan is supported by a detailed but proportionate evidence base.
- 2.5 The drafting of the Plan aims to ensure that London is ready to implement ambitious policies for growth so that London has an up-to-date Development Plan in place while boroughs update their local development plan documents. As the London Plan is part of every borough's development plan, there is no requirement for the policies to be repeated at the local level before they can be implemented. However, in some instances a local approach is required within the context of the overall policy. The draft new London Plan clearly sets out where this is the case.
- 2.6 It is crucial that all those involved in planning and development in London understand how London's two-tier planning system works and do not seek to duplicate policy or evidence unnecessarily.

Structure of the draft new London Plan

- 2.7 The structure of the draft London Plan is as follows:

- Chapter one – Planning for London sets out six cross-cutting good growth policies which should be taken into account for all development in London:
 - 1) Building strong and inclusive communities
 - 2) Making the best use of land
 - 3) Creating a healthy city
 - 4) Delivering the homes Londoners need
 - 5) Growing a good economy
 - 6) Increasing efficiency and resilience
- Chapter two sets out the overall spatial development pattern for London, focusing on the growth strategies for specific places in London and how they connect with the Wider South East.
- Chapters three to ten cover topic-based policies:
 - Chapter three – Design
 - Chapter four – Housing
 - Chapter five – Social Infrastructure
 - Chapter six – Economy
 - Chapter seven – Heritage and Culture
 - Chapter eight – Green and Open environment
 - Chapter nine – Sustainable Infrastructure
 - Chapter ten – Transport
- Chapters eleven and twelve focus on the implementation and monitoring of the Plan:
 - Chapter eleven – Delivering the Plan
 - Chapter twelve – Monitoring

Public Consultation on the draft new London Plan

2.8 The following programme of consultation is scheduled:

- Week beginning 27 November – launch presentation by the Mayor and statutory notices appear in the London Gazette and London Evening Standard.
- 1 December – formal presentation of draft new London Plan – Jules Pipe, City Hall
- December 2017 – March 2018:
 - eight GLA events (four sub-regional events, one business event, one borough event, one community event and one equality event);
 - At least 20 specific meetings for interest groups.

2.9 In addition, in accordance with the relevant statutory requirements:

- the draft new London Plan associated documentation (IIA, HRA) will be made available for public inspection at City Hall and at the principal offices of the London boroughs.
- the draft new London Plan and associated documentation will be made available for download on the GLA's website.
- statutory notices will appear in the London Gazette and the London Evening Standard.
- copies of the draft new London Plan and associated documentation will be sent to the London Assembly and the functional bodies.
- Copies of the draft new London Plan and associated documentation will be sent to the Secretary of State CLG, every London borough, county and district council adjoining London, Natural England, the Environment Agency and Historic England; and
- copies of draft new London Plan will be sent to wider South East authorities, where not included above.

3. Objectives and expected outcomes

- 3.1 Consulting on the draft new London Plan will fulfil the Mayor's statutory obligations as stipulated in the GLA Act. Following on from engagement activities conducted prior to and during the course of preparing the draft new London Plan, stakeholders and the public will be able to review the complete draft document which the Mayor proposes to publish and to provide fully informed and constructive responses.
- 3.2 Following the consultation, GLA officers will report to the Mayor on the responses received and identify areas of support, concern or objection for the Mayor's consideration.

4. Equality comments

- 4.1 Under s149 of the Equality Act 2010 (the Equality Act), as a public authority the Mayor/GLA must have due regard to the need to eliminate discrimination, harassment and victimisation, and any conduct that is prohibited by or under this Act; and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. Protected characteristics under the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination only). The Mayor is referred to Appendix D which sets out the public sector equality duty in full.
- 4.2 In respect of the draft new London Plan, the Mayor has an express duty to consult with specific consultees and may consult with such other bodies or persons as he considers appropriate.

- 4.3 The consultation materials in respect of the draft new London Plan consultation will be made available in a format which is accessible to blind and visually-impaired people who use screen readers and a summary will be available in an EasyRead format for people with learning disabilities. On request, consultation materials will also be made available in an appropriate format for deaf and hearing-impaired people. In addition, people will be able to request paper copies of consultation material and are also welcome to provide responses in writing to a freepost address. Requests for the documents to be made available in other formats and translated into other languages will be considered on a case by case basis.
- 4.4 An Equalities Impact Assessment in respect of the draft new London Plan is included in the IIA and a summary of the relevant recommendations is included in the assessments section below.

5. Other considerations

Key risks and issues

- 5.1 There are some key risks associated with the effectively and timely production of the draft new London Plan. In particular, the need to ensure a sound evidence base to support consultation and scrutiny at the Examination in Public and to keep abreast of changes to legislation and policy during the process. Policy drafting has had regard to legal advice from leading planning Counsel with a view to minimising these risks, including the risk of successful legal challenge.

National planning policy

- 5.2 The government has issued draft guidance on a standardised methodology for assessing housing needs. This proposed methodology gives a housing need figure of 72k homes a year. This is higher than the 66k figure based on the GLA methodology. There are transitional arrangements set out in Government guidance which, by publishing the draft new London Plan now, would support use of the GLA figure.

Meeting housing need

- 5.3 The draft new London Plan has identified sufficient capacity to meet almost all of the 66k annual housing need figure. This will require a significant increase in development rates, and intensification in existing residential areas. This may result in the character of some residential areas changing, but the Plan includes policies to deliver good design using an understanding of the existing character and context of areas, and a design-led approach to optimising density. This will ensure that high quality homes that Londoners need will be provided.

Fracking

- 5.4 The draft new London Plan includes a policy to refuse proposals for hydraulic fracturing (fracking). As he made clear in his manifesto, the Mayor does not support fracking in London. This is because of its effects on energy efficiency, renewable energy, climate change, air quality and water resources. London is a seriously water-stressed area, and fracking both uses large amounts of water and presents risks of potential contamination. The unconditional wording of the policy does not necessarily conform with current government policy and as such may attract greater scrutiny at the Examination in Public

Heathrow

- 5.5 The Mayor is strongly opposed to any expansion of Heathrow Airport that would result in additional environmental harm or harm to the health of Londoners. He is concerned that expansion should not worsen existing air quality or contribute to exceedance of air quality limits. The draft London Plan includes a policy on Heathrow that maintains opposition to expansion unless all potential adverse impacts are fully recognised and satisfactorily addressed. It is likely that the Government will approve its Airports National Policy Statement (NPS) before the Mayor publishes the new London Plan and possibly even before the Plan's Examination in Public. As the NPS will establish the Government's formal position on airport expansion in the south east, its implications for the London Plan will need to be reviewed at that time.

Timetable

- 5.6 Once the draft new London Plan is published for consultation, the timetable for the Examination in Public, subsequent Inspector's Report and sign-off from the Secretary of State is outside the control of the GLA, however an estimated programme has been developed based on the previous full review of the Plan. In order to ensure that the process runs as quickly and smoothly as possible, GLA officers are working closely with the Planning Inspectorate and Government to minimise risks and delays as much as possible.

Links with other strategies

- 5.7 The London Plan is the over-arching document that integrates the geographic and locational aspects of the other statutory Mayoral strategies. The draft new London Plan has been developed alongside these statutory strategies to ensure consistency.

Impact Assessments and Consultations

- 5.8 In preparing or altering the London Plan, the Mayor has legal duties to have regard to:

- Promoting economic development and wealth creation (GLA Act)
- Promoting social development (GLA Act)
- protection and improvement of the environment (European Directive 201/42/EC on Strategic Environmental Assessment, The Environmental Assessment of Plans and Programmes Regulations 2004, GLA Act)
- health inequality and promoting Londoners' health (GLA Act)
- community safety (Crime and Disorder Act 1998, Police and Justice Act 2006); and
- to have due regard to the public sector equality duty pursuant to section 149 of the Equality Act 2010, and the duty to promote equality opportunity arising from the GLA Act (GLA Act, Equality Act 2010).

Integrated Impact Assessment

- 5.9 The GLA has adopted an integrated approach to demonstrate how these duties have been considered in the form of an Integrated Impact Assessment (IIA) reproduced as annex B to this decision form. The GLA appointed Arup as an independent consultant to undertake the IIA. The methodology used enables common themes to be considered together and involves an assessment which follows the stages of the Strategic Environmental Assessment (SEA) methodology outlined in the Environmental Assessment of Plans and Programmes Regulations ('EAPP') 2004. The assessments forming the IIA of the London Plan are:

- Strategic Environmental Assessment
- Equality Impact Assessment
- Health Impact Assessment
- Community Safety Impact Assessment

- 5.10 The IIA work also incorporates the findings of the Habitats Regulation Assessment. Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (as amended), which implements Article 6(3) of the Habitats Directive (92/43/EEC), requires an appropriate assessment (HRA) to be undertaken in respect of any plan or project which, either alone or in combination with other plans or projects, would be likely to have a significant effect on a European Site and is not directly connected

with the management of the site for nature conservation. This process is ongoing and iterative and has been used to inform policy preparation. The HRA is reproduced as Annex C to this decision form.

- 5.11 The Mayor is required to have regard to these assessments (although to have due regard to the Equality Impact Assessment) when revising the London Plan and both the IIA and HRA will be published with the draft new London Plan in the week beginning 27 November 2017 for consultation.

Recommendations of the IIA and HRA

- 5.12 The IIA recommendations are summarised as:

- Inclusion of further references to issues such as inclusive design, active travel, air quality, provision of social and other supporting infrastructure, etc
- GLA response – In the majority of cases, officers clarified that the Plan should be read as a whole and therefore other policies within the Plan addressed the specifics of the issues raised in the recommendations. However, where there was a significant and direct link, the policy or supporting text was amended to reflect the recommendation.
- Inclusion of references outside the scope of the London Plan such as affordability of travel, affordability of uses, training and skills needed to access employment opportunities, etc
- GLA Response – officers clarified that these issues were addressed either in the Mayor's other Strategies such as Mayor's Environment Strategy, Transport Strategy, Economic Strategy, etc or were more appropriately addressed through boroughs' local plans.

- 5.13 The HRA recommendations centred on being more explicit about the requirement to undertake appropriate assessments for development that may impact on European Nature sites. It was recommended an explicit reference was made under the following policies:

- H1 Housing supply
- G6 Biodiversity and access to nature
- T4 Accessing and mitigating transport impact
- T8 Aviation

- 5.14 More explicit references were made to policies G6, T4 and T8. However, GLA officers advise that the reference in G6 covered the issue raised by H1. In addition, the HRA also recommended that the framework for the Lee Valley growth corridor, under policy SD1 Opportunity Areas, should explicit reference Epping Forest due to its potential impact on the site. This recommendation was included.

6. Financial comments

- 6.1 Mayoral Approval is being sought for the Mayor to approve the draft new London Plan and note the Integrated Impact Assessment and the Habitats Regulation Assessment of the draft new London Plan. Approval is also requested for the consultation period and the placing of the necessary statutory notices to start the consultation.

- 6.2 Expenditure from the 2017-18 London Plan budget for the following is also being requested to be approved;

- up to £10,000 on undertaking public consultation
- up to £40,000 on printing the draft new London Plan, the IIA and HRA

- 6.3 All of this expenditure is expected to be incurred in the 2017-18 financial year.

7. Legal comments

- 7.1 The statutory framework which applies to the replacement of the London Plan is set out in the Greater London Authority Act 1999 (GLA Act) and the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (the SDS Regulations) which provide for certain matters relevant to the operation of Part VIII of the GLA Act.
- 7.2 Section 41 of the GLA Act sets out the general duties the Mayor has in respect of all of his strategies with obligations specific to the London Plan contained in Part VIII. In revising or replacing the London Plan the Mayor shall have regard to the effect that it will have on various themes (health, health inequalities, sustainable development and climate change) as well as on the need to ensure consistency with national policies, the UK's EU obligations and such other international obligations the Mayor is notified of by the Secretary of State. The Mayor is required to have regard to the resources available to implement the strategy. The Mayor must also have regard to the principal purposes of the Greater London Authority as set out in section 30 of the GLA Act:
- Promoting economic development and wealth creation in Greater London
 - Promoting social development in Greater London; and
 - Promoting the improvement of the environment in Greater London.
- 7.3 The London Plan must only deal with matters of strategic importance to Greater London. It should include a statement formulating the Mayor's strategy for spatial development in Greater London. The London Plan must be consistent with the Mayor's other strategies and should include a statement dealing with the general spatial development (geographical and locational) aspects of the Mayor's other strategies, including those dealing with:
- Transport;
 - Environment;
 - Economic Development;
 - Housing;
 - Culture; and
 - Health and Health Inequalities.
- 7.4 The proposed consultation exercise in respect of the draft new London Plan will be carried out in accordance with the statutory requirements. Section 335 of the GLA Act sets out consultation and public participation requirements specific to the London Plan and Article 7 of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 lists those persons, in addition to those persons set out in section 335(3)(a)-(c) and (e) of the GLA Act, to whom the Mayor is required to send a copy of his proposed London Plan.
- 7.5 The requirement to produce an IIA derives from various pieces of legislation which either impose a duty on the Mayor in respect of a specific subject area, for example, crime, or create an obligation to undertake a specific type of assessment of a plan or programme. At the IIA's core is the environment report which is required by the Environmental Assessment of Plans and Programmes Regulations 2004. At this stage in the new London Plan process, the 2004 Regulations impose a statutory obligation to consult certain agencies (Natural England, English Heritage and the Environment Agency) as well as the public.
- 7.6 Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (as amended), which implements Article 6(3) of the Habitats Directive (92/43/EEC), requires an appropriate assessment (HRA) to be undertaken in respect of any plan or project which, either alone or in combination with other plans or projects, would be likely to have a significant effect on a European Site, and is not directly connected with the management of the site for nature conservation.

- 7.7 It is a statutory requirement that the consultation period runs for a period of not less than 12 weeks. Allowance has been made for the Christmas period. It is considered that in light of the ease with which consultation materials can be disseminated and responses received, the nature of the policies and proposals being consulted on and the time of year in which the consultation is being undertaken, 13 weeks is an appropriate consultation period.

8. Planned delivery approach and next steps

8.1 The following is an estimated programme of delivery for the draft new London Plan:

- Week beginning 27 November 2017 – week beginning 26 February 2018 – consultation on draft new London Plan;
- March – September 2018 - preparing for the Examination in Public;
- September – December 2018 - Examination in Public;
- January 2019 – May 2019 – Inspector's Report;
- June – August 2019 – Mayor sends statement of intention to publish to Secretary of State;
- September – October 2019 - Secretary of State sign off;
- November 2019 – scrutiny by London Assembly; and
- December 2019 – formal publication of the London Plan.

Appendices and supporting papers:

Appendix A - Draft New London Plan

Appendix B - Integrated Impact Assessment

Appendix C - Habitats Regulations Assessment

Appendix D - Public Sector Equality Duty

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? YES

If YES, for what reason:

To ensure the draft new London Plan is published on the agreed launch date and not in advance

Until what date: 1 December 2017.

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Darren Richards has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Fiona Fletcher-Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Jules Pipe has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on the 13 November 2017

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. Belce

Date

13.11.17

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

D. Bellamy

Date

13/11/2017.